

House File 374 - Enrolled

PAG LIN

HOUSE FILE 374

AN ACT

RELATING TO VETERANS BY PROVIDING FOR THE ESTABLISHMENT OF A DEPARTMENT OF VETERANS AFFAIRS, MODIFYING THE DEFINITION OF VETERAN FOR PROPERTY TAXATION AND CERTAIN OTHER PURPOSES, PROVIDING FOR THE COMPENSATION OF MEMBERS OF A COUNTY COMMISSION OF VETERAN AFFAIRS, PROVIDING FOR THE ISSUANCE OF COMBINED HUNTING AND FISHING LICENSES TO CERTAIN VETERANS, ESTABLISHING A HEPATITIS C AWARENESS PROGRAM FOR VETERANS, CONCERNING FUNDS IN AN ACCOUNT FOR A STATE VETERANS CEMETERY, CONCERNING MILITARY PAY DIFFERENTIAL, AND PROVIDING AN EFFECTIVE DATE AND RETROACTIVE AND OTHER APPLICABILITY DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 7E.5, subsection 1, paragraph v, Code 2005, is amended to read as follows:

v. The department of veterans affairs. However, the commission of veterans affairs, ~~which has created in section 35A.2~~ shall have primary responsibility for state veterans affairs.

Sec. 2. Section 35.1, subsection 1, Code 2005, is amended to read as follows:

1. ~~"Commission"~~ "Department" means the ~~commission Iowa~~ department of veterans affairs created in section 35A.2 35A.4.

Sec. 3. Section 35.1, subsection 2, paragraph b, subparagraphs (1) and (2), Code 2005, are amended to read as follows:

(1) Former members of the reserve forces of the United States who served at least twenty years in the reserve forces ~~after January 28, 1973,~~ and who were discharged under honorable conditions. However, a member of the reserve forces of the United States who completed a minimum aggregate of ninety days of active federal service, other than training, and was discharged under honorable conditions, or was retired under Title X of the United States Code shall be included as a veteran.

(2) Former members of the Iowa national guard who served at least twenty years in the Iowa national guard ~~after January 28, 1973,~~ and who were discharged under honorable conditions. However, a member of the Iowa national guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Title X of the United States Code shall be included as a veteran.

Sec. 4. Section 35.1, subsection 2, paragraph b, Code 2005, is amended by adding the following new subparagraphs:
NEW SUBPARAGRAPH. (6) Members of the reserve forces of the United States who have served at least twenty years in the reserve forces and who continue to serve in the reserve forces.

NEW SUBPARAGRAPH. (7) Members of the Iowa national guard who have served at least twenty years in the Iowa national guard and who continue to serve in the Iowa national guard.

Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN STATUS FOR CERTAIN VETERANS.

In order to fulfill any eligibility requirements under Iowa law pertaining to veteran status, a veteran described in section 35.1, subsection 2, paragraph "b", subparagraph (6) or (7), shall submit the veteran's retirement points accounting statement issued by the armed forces of the United States, the state adjutant general, or the adjutant general of any other state, to confirm that the person has completed twenty years of service with the reserve forces or the national guard.

Sec. 6. Section 35.8, Code 2005, is amended to read as follows:

35.8 WAR ORPHANS EDUCATIONAL AID FUND.

A war orphans educational aid fund is created as a separate fund in the state treasury under the control of the ~~commission~~ department of veterans affairs. Any money appropriated for the purpose of aiding in the education of orphaned children of veterans, as defined in section 35.1, shall be deposited in the war orphans educational aid fund.

Sec. 7. Section 35.9, unnumbered paragraph 1, Code 2005,

3 6 is amended to read as follows:

3 7 The ~~commission department~~ of veterans affairs may expend
3 8 not more than six hundred dollars per year for any one child
3 9 who has lived in the state of Iowa for two years preceding
3 10 application for aid, and who is the child of a person who died
3 11 during active federal military service while serving in the
3 12 armed forces or during active federal military service in the
3 13 Iowa national guard or other military component of the United
3 14 States, to defray the expenses of tuition, matriculation,
3 15 laboratory and similar fees, books and supplies, board,
3 16 lodging, and any other reasonably necessary expense for the
3 17 child or children incident to attendance in this state at an
3 18 educational or training institution of college grade, or in a
3 19 business or vocational training school with standards approved
3 20 by the ~~commission department~~ of veterans affairs.

3 21 Sec. 8. Section 35.10, Code 2005, is amended to read as
3 22 follows:

3 23 35.10 ELIGIBILITY AND PAYMENT OF AID.

3 24 Eligibility for aid shall be determined upon application to
3 25 the ~~commission department~~ of veterans affairs, whose decision
3 26 is final. The eligibility of eligible applicants shall be
3 27 certified by the ~~commission department~~ of veterans affairs to
3 28 the director of the department of administrative services, and
3 29 all amounts that are or become due to an individual or a
3 30 training institution under this chapter shall be paid to the
3 31 individual or institution by the director of the department of
3 32 administrative services upon receipt by the director of
3 33 certification by the president or governing board of the
3 34 educational or training institution as to accuracy of charges
3 35 made, and as to the attendance of the individual at the
4 1 educational or training institution. The ~~commission~~
4 2 ~~department~~ of veterans affairs may pay over the annual sum of
4 3 four hundred dollars to the educational or training
4 4 institution in a lump sum, or in installments as the
4 5 circumstances warrant, upon receiving from the institution
4 6 such written undertaking as the ~~commission department~~ may
4 7 require to assure the use of funds for the child for the
4 8 authorized purposes and for no other purpose. A person is not
4 9 eligible for the benefits of this chapter until the person has
4 10 graduated from a high school or educational institution
4 11 offering a course of training equivalent to high school
4 12 training.

4 13 Sec. 9. Section 35A.1, Code 2005, is amended by adding the
4 14 following new subsection:

4 15 NEW SUBSECTION. 3A. "Department" means the Iowa
4 16 department of veterans affairs established in section 35A.4.

4 17 Sec. 10. Section 35A.3, subsections 2 and 3, Code 2005,
4 18 are amended to read as follows:

4 19 2. Adopt rules pursuant to chapter 17A and establish
4 20 policy for the management and operation of the department and
4 21 ~~the commission.~~

4 22 3. Prescribe the duties of an executive director and other
4 23 employees ~~as the commission shall deem necessary to carry out~~
4 24 ~~the duties of the commission department.~~

4 25 Sec. 11. Section 35A.3, subsections 5, 6, 7, 8, 9, 10, 11,
4 26 12, and 14, Code 2005, are amended by striking the
4 27 subsections.

4 28 Sec. 12. NEW SECTION. 35A.4 DEPARTMENT ESTABLISHED.

4 29 There is established an Iowa department of veterans affairs
4 30 which shall consist of a commission, an executive director,
4 31 and any additional personnel as employed by the executive
4 32 director.

4 33 Sec. 13. NEW SECTION. 35A.5 DUTIES OF THE DEPARTMENT.
4 34 The department shall do all of the following:

4 35 1. Maintain information and data concerning the military
5 1 service records of Iowa veterans.

5 2 2. Assist county veteran affairs commissions established
5 3 pursuant to chapter 35B. The department shall provide to
5 4 county commissions suggested uniform benefits and
5 5 administrative procedures for carrying out the functions and
5 6 duties of the county commissions.

5 7 3. Permanently maintain the records including certified
5 8 records of bonus applications for awards paid from the war
5 9 orphans educational fund under chapter 35.

5 10 4. Collect and maintain information concerning veterans
5 11 affairs.

5 12 5. Conduct two service schools each year for the Iowa
5 13 association of county commissioners and executive directors.

5 14 6. Assist the United States veterans administration, the
5 15 Iowa veterans home, funeral directors, and federally chartered
5 16 veterans service organizations in providing information

5 17 concerning veterans service records and veterans affairs data.
5 18 7. Maintain alphabetically a permanent registry of the
5 19 graves of all persons who served in the military or naval
5 20 forces of the United States in time of war and whose mortal
5 21 remains rest in Iowa.
5 22 8. Provide training to executive directors of county
5 23 commissions of veteran affairs pursuant to section 35B.6. The
5 24 commission may adopt rules in accordance with chapter 17A to
5 25 provide for training of county veteran affairs executive
5 26 directors.
5 27 9. Establish and operate a state veterans cemetery and
5 28 make application to the government of the United States or any
5 29 subdivision, agency, or instrumentality thereof, for funds for
5 30 the purpose of establishing such a cemetery. The state may
5 31 enter into agreements with any subdivision of the state for
5 32 assistance in operating the cemetery. The state shall own the
5 33 land on which the cemetery is located. The department shall
5 34 have the authority to accept federal grant funds, funding from
5 35 state subdivisions, donations from private sources, and
6 1 federal "plot allowance" payments. All such funds shall be
6 2 deposited into an account dedicated to the establishment,
6 3 operation, and maintenance of a veterans cemetery and these
6 4 funds shall be expended only for those purposes. The
6 5 department through the director shall have the authority to
6 6 accept suitable cemetery land, in accordance with federal
6 7 veterans cemetery grant guidelines, from the federal
6 8 government, state government, state subdivisions, private
6 9 sources, and any other source wishing to transfer land for use
6 10 as a veterans cemetery. Notwithstanding section 8.33, any
6 11 moneys in the account for a state veterans cemetery shall not
6 12 revert and, notwithstanding section 12C.7, subsection 2,
6 13 interest or earnings on moneys deposited in the fund shall be
6 14 credited to the account.
6 15 10. Carry out the policies of the department.
6 16 Sec. 14. Section 35A.8, subsections 1 and 3, Code 2005,
6 17 are amended to read as follows:
6 18 1. The governor shall appoint an executive director,
6 19 subject to confirmation by the senate, who shall serve at the
6 20 pleasure of the governor. The executive director is
6 21 responsible for administering the duties of the department and
6 22 the commission other than those related to the Iowa veterans
6 23 home.
6 24 3. Except for the employment duties and responsibilities
6 25 assigned to the commandant for the Iowa veterans home, the
6 26 executive director shall employ such personnel as are
6 27 necessary for the performance of the duties and
6 28 responsibilities assigned to the department and the
6 29 commission. All employees shall be selected on a basis of
6 30 fitness for the work to be performed with due regard to
6 31 training and experience and shall be subject to the provisions
6 32 of chapter 8A, subchapter IV.
6 33 Sec. 15. Section 35A.9, subsections 1 and 2, Code 2005,
6 34 are amended to read as follows:
6 35 1. The executive director, commandant, and employees of
7 1 the commission department and the Iowa veterans home are
7 2 entitled to receive, in addition to salary, reimbursement for
7 3 actual expenses incurred while engaged in the performance of
7 4 official duties.
7 5 2. All out-of-state travel by commissioners, the executive
7 6 director, the commandant, or employees of the commission
7 7 department or the Iowa veterans home shall be approved by the
7 8 chairperson of the commission.
7 9 Sec. 16. Section 35B.5, Code 2005, is amended to read as
7 10 follows:
7 11 35B.5 COMPENSATION.
7 12 A member of the commission shall receive twenty-five
7 13 dollars or a greater amount as established by the board of
7 14 supervisors for each month during which the member attends one
7 15 or more commission meetings and shall be reimbursed for
7 16 mileage the same as a member of the board of supervisors.
7 17 Compensation and mileage shall be paid out of the
7 18 appropriation authorized in section 35B.14.
7 19 Sec. 17. Section 35B.6, subsection 1, paragraph b, Code
7 20 2005, is amended to read as follows:
7 21 b. Upon the employment of an executive director, the
7 22 executive director shall complete a course of initial training
7 23 provided by the commission department of veterans affairs
7 24 pursuant to section ~~35A.3~~ 35A.5. If an executive director is
7 25 not appointed, a commissioner or a clerical assistant shall
7 26 complete the course of training. The commission department
7 27 shall issue the executive director, commissioner, or clerical

7 28 assistant a certificate of training after completion of the
7 29 initial training course. To maintain annual certification,
7 30 the executive director, commissioner, or clerical assistant
7 31 shall attend one ~~commission department~~ training course each
7 32 year. Failure to maintain certification may be cause for
7 33 removal from office. The expenses of training shall be paid
7 34 from the appropriation authorized in section 35B.14.

7 35 Sec. 18. Section 35B.11, Code 2005, is amended to read as
8 1 follows:

8 2 35B.11 DATA FURNISHED ~~STATE COMMISSION~~ IOWA DEPARTMENT OF
8 3 VETERANS AFFAIRS.

8 4 The commission of veteran affairs of each county shall
8 5 provide information to the ~~state commission department~~ of
8 6 veterans affairs as the ~~state commission department~~ may
8 7 request.

8 8 Sec. 19. Section 35B.19, Code 2005, is amended to read as
8 9 follows:

8 10 35B.19 BURIAL RECORDS.

8 11 The county commission of veteran affairs shall be charged
8 12 with securing the information requested by the ~~commission~~
8 13 ~~department~~ of veterans affairs of every person having a
8 14 military service record and buried in that county. Such
8 15 information shall be secured from the undertaker in charge of
8 16 the burial and shall be transmitted by the undertaker to the
8 17 commission of veteran affairs of the county where burial is
8 18 made. This information shall be recorded alphabetically and
8 19 by description of location in the cemetery where the veteran
8 20 is buried. This recording shall conform to the directives of
8 21 the ~~state commission department~~ of veterans affairs and shall
8 22 be kept in a book by the county commission.

8 23 Sec. 20. Section 36.1, subsection 3, Code 2005, is amended
8 24 to read as follows:

8 25 3. "Commission" means the commission of veterans affairs
8 26 established in section 35A.2.

8 27 Sec. 21. Section 36.1, Code 2005, is amended by adding the
8 28 following new subsection:

8 29 NEW SUBSECTION. 3A. "Department" means the department of
8 30 veterans affairs established in section 35A.4.

8 31 Sec. 22. Section 36.2, Code 2005, is amended to read as
8 32 follows:

8 33 36.2 CHEMICAL EXPOSURE REPORT TO ~~COMMISSION~~ DEPARTMENT.

8 34 A licensed physician, as defined in section 135.1,
8 35 subsection 4, who treats a veteran the physician believes may
9 1 have been exposed to chemicals while serving in the armed
9 2 forces of the United States shall submit a report indicating
9 3 that information to the ~~commission department~~ at the request
9 4 of the veteran pursuant to section 36.3.

9 5 Sec. 23. Section 36.3, Code 2005, is amended to read as
9 6 follows:

9 7 36.3 DUTIES OF THE ~~COMMISSION~~ DEPARTMENT.

9 8 The ~~commission department~~ shall:

9 9 1. Provide the forms for the reports required in section
9 10 36.2. The report form shall require the doctor to provide all
9 11 of the following:

9 12 a. Symptoms of the veteran which may be related to
9 13 exposure to chemicals.

9 14 b. Diagnosis of the veteran.

9 15 c. Methods of treatment prescribed.

9 16 2. Annually compile and evaluate the information submitted
9 17 in the reports pursuant to subsection 1, in consultation and
9 18 cooperation with a certified medical toxicologist selected by
9 19 the ~~commission department~~. The ~~commission department~~ shall
9 20 submit the report to the governor, the general assembly, and
9 21 the United States veterans' administration. The report shall
9 22 include current research data on the effects of exposure to
9 23 chemicals, statistical information received from individual
9 24 physicians' reports, and statistical information from the
9 25 epidemiological investigations pursuant to subsection 3.

9 26 3. Conduct epidemiological investigations of veterans who
9 27 have cancer or other medical problems or who have children
9 28 born with birth defects associated with exposure to chemicals,
9 29 in consultation and cooperation with a certified medical
9 30 toxicologist selected by the ~~commission department~~. The
9 31 ~~commission department~~ shall obtain consent from a veteran
9 32 before conducting the investigations.

9 33 The ~~commission department~~ shall cooperate with local and
9 34 state agencies during the course of an investigation.

9 35 Sec. 24. Section 36.4, unnumbered paragraph 1, Code 2005,
10 1 is amended to read as follows:

10 2 The ~~commission department~~ shall not identify a veteran
10 3 consenting to the epidemiological investigations pursuant to

10 4 section 36.3, subsection 3, unless the veteran consents to the
10 5 release of identity. The statistical information compiled by
10 6 the ~~commission department~~ pursuant to section 36.3 is a public
10 7 record.

10 8 Sec. 25. Section 36.6, unnumbered paragraph 1, Code 2005,
10 9 is amended to read as follows:

10 10 The ~~commission department~~ and appropriate medical
10 11 facilities at the state university of Iowa under the control
10 12 of the state board of regents shall institute a cooperative
10 13 program to:

10 14 Sec. 26. Section 36.7, Code 2005, is amended to read as
10 15 follows:

10 16 36.7 FEDERAL PROGRAM.

10 17 If the ~~commission department~~ or the general assembly
10 18 determines that an agency of the federal government or the
10 19 state of Iowa is providing the referral and genetic services
10 20 pursuant to section 36.6, the ~~commission department~~ or the
10 21 general assembly by specific action may discontinue all or
10 22 part of the services and requirements in this chapter.

10 23 Sec. 27. NEW SECTION. 135.20 HEPATITIS C AWARENESS
10 24 PROGRAM == VETERANS == VACCINATIONS.

10 25 1. The department shall establish and administer a
10 26 hepatitis C awareness program. The goal of the program shall
10 27 be to distribute information to veterans regarding the higher
10 28 incidence of hepatitis C exposure and infection among
10 29 veterans, the dangers presented by the disease, and contacts
10 30 for additional information and referrals. For purposes of
10 31 this section, "veteran" means an individual meeting the
10 32 definition contained in section 35.1.

10 33 2. The information to be distributed shall be determined
10 34 by the department by rule, in consultation with the commission
10 35 of veterans affairs. The information shall, at a minimum,

11 1 contain statements indicating that:
11 2 a. The federal department of veterans affairs estimates a
11 3 hepatitis C infection rate in veterans more than three times
11 4 higher than for the general population.

11 5 b. The infection rate for Vietnam veterans is estimated to
11 6 be even higher than for other veterans groups.

11 7 c. The disease is caused by a bloodborne virus readily
11 8 transmitted during combat and combat-related emergency medical
11 9 treatment.

11 10 d. Many veterans currently carrying the virus were
11 11 infected prior to the development of medical screening tests.

11 12 e. The hepatitis C virus often resolves into a chronic
11 13 infection without symptoms for ten to thirty years before
11 14 signs of resultant liver disease appear.

11 15 f. This unusually long latency period makes it difficult
11 16 to connect current symptoms with an infection that may have
11 17 actually been contracted during military service decades ago.

11 18 The information shall also present treatment options and
11 19 shall specify a procedure to be followed for veterans desiring
11 20 a medical consultation for screening and treatment purposes.
11 21 The department shall cooperate with the state commission of
11 22 veterans affairs regarding distribution of the information to
11 23 the veterans home, the county commissions of veteran affairs,
11 24 veterans hospitals, and other appropriate points of
11 25 distribution.

11 26 Sec. 28. Section 135C.31A, Code 2005, is amended to read
11 27 as follows:

11 28 135C.31A ASSESSMENT OF RESIDENTS == PROGRAM ELIGIBILITY.

11 29 Beginning July 1, 2003, a health care facility receiving
11 30 reimbursement through the medical assistance program under
11 31 chapter 249A shall assist the Iowa ~~commission department~~ of
11 32 veterans affairs in identifying, upon admission of a resident,
11 33 the resident's eligibility for benefits through the federal
11 34 department of veterans affairs. The health care facility
11 35 shall also assist the Iowa ~~commission department~~ of veterans
12 1 affairs in determining such eligibility for residents residing
12 2 in the facility on July 1, 2003. The department of
12 3 inspections and appeals, in cooperation with the department of
12 4 human services, shall adopt rules to administer this section,
12 5 including a provision that ensures that if a resident is
12 6 eligible for benefits through the federal department of
12 7 veterans affairs or other third-party payor, the payor of last
12 8 resort for reimbursement to the health care facility is the
12 9 medical assistance program. This section shall not apply to
12 10 the admission of an individual to a state mental health
12 11 institute for acute psychiatric care or to the admission of an
12 12 individual to the Iowa veterans home.

12 13 Sec. 29. Section 256.9, subsection 48, Code 2005, is
12 14 amended to read as follows:

12 15 48. Develop and administer, with the cooperation of the
12 16 ~~commission department~~ of veterans affairs, a program which
12 17 shall be known as operation recognition. The purpose of the
12 18 program is to award high school diplomas to veterans of World
12 19 War I, World War II, and the Korean and Vietnam conflicts who
12 20 left high school prior to graduation to enter United States
12 21 military service. The department of education and the
12 22 ~~commission department of veterans affairs~~ shall jointly
12 23 develop an application procedure, distribute applications, and
12 24 publicize the program to school districts, accredited
12 25 nonpublic schools, county commissions of veteran affairs,
12 26 veterans organizations, and state, regional, and local media.
12 27 All honorably discharged veterans who are residents or former
12 28 residents of the state; who served at any time between April
12 29 6, 1917, and November 11, 1918, at any time between September
12 30 16, 1940, and December 31, 1946, at any time between June 25,
12 31 1950, and January 31, 1955, or at any time between February
12 32 28, 1961, and May 5, 1975, all dates inclusive; and who did
12 33 not return to school and complete their education after the
12 34 war or conflict shall be eligible to receive a diploma.
12 35 Diplomas may be issued posthumously. Upon approval of an
13 1 application, the department shall issue an honorary high
13 2 school diploma for an eligible veteran. The diploma shall
13 3 indicate the veteran's school of attendance. The department
13 4 of education and the ~~commission department of veterans affairs~~
13 5 shall work together to provide school districts, schools,
13 6 communities, and county commissions of veteran affairs with
13 7 information about hosting a diploma ceremony on or around
13 8 Veterans Day. The diploma shall be mailed to the veteran or,
13 9 if the veteran is deceased, to the veteran's family.

13 10 Sec. 30. Section 303.2, subsection 2, paragraph k, Code
13 11 2005, is amended to read as follows:

13 12 k. Administer, preserve, and interpret the battleflag
13 13 collection assembled by the state in consultation and
13 14 coordination with the ~~commission department~~ of veterans
13 15 affairs and the department of administrative services. A
13 16 portion of the battle flag collection shall be on display at
13 17 the state capitol and the state historical building at all
13 18 times, unless on loan approved by the department of cultural
13 19 affairs.

13 20 Sec. 31. Section 331.608, subsection 6, paragraph e, Code
13 21 2005, is amended to read as follows:

13 22 e. When otherwise required by a department or agency of
13 23 the federal or state government or a political subdivision.
13 24 The recorder shall make these records available to the
13 25 ~~commission department~~ of veterans affairs. The ~~commission~~
13 26 ~~department of veterans affairs~~ and its employees shall be
13 27 subject to the same state and federal confidentiality
13 28 restrictions and requirements that are imposed on the
13 29 recorder.

13 30 Sec. 32. Section 426A.11, Code 2005, is amended by adding
13 31 the following new subsection:

13 32 NEW SUBSECTION. 2A. For purposes of this chapter, unless
13 33 the context otherwise requires, "veteran" also means a
13 34 resident of this state who is a former member of the armed
13 35 forces of the United States and who served for a minimum
14 1 aggregate of three years and who was discharged under
14 2 honorable conditions.

14 3 Sec. 33. Section 426A.12, Code 2005, is amended to read as
14 4 follows:

14 5 426A.12 EXEMPTIONS TO RELATIVES.

14 6 In case any person in the foregoing classifications does
14 7 not claim the exemption from taxation, it shall be allowed in
14 8 the name of the person to the same extent on the property of
14 9 any one of the following persons in the order named:

14 10 1. The spouse, or surviving spouse remaining unmarried, of
14 11 a veteran, as defined in this chapter or in section 35.1,
14 12 where they are living together or were living together at the
14 13 time of the death of the veteran.

14 14 2. The parent whose spouse is deceased and who remains
14 15 unmarried, of a veteran, as defined in this chapter or in
14 16 section 35.1, whether living or deceased, where the parent is,
14 17 or was at the time of death of the veteran, dependent on the
14 18 veteran for support.

14 19 3. The minor child, or children owning property as tenants
14 20 in common, of a deceased veteran, as defined in this chapter
14 21 or in section 35.1.

14 22 No more than one tax exemption shall be allowed under this
14 23 section or section 426A.11 in the name of a veteran, as
14 24 defined in this chapter or in section 35.1.

14 25 Sec. 34. Section 426A.13, unnumbered paragraphs 1 and 2,

14 26 Code 2005, are amended to read as follows:

14 27 A person named in section 426A.11, who is a resident of and
14 28 domiciled in the state of Iowa, shall receive a reduction
14 29 equal to the exemption, to be made from any property owned by
14 30 the person or owned by a family farm corporation of which the
14 31 person is a shareholder and who occupies the property and so
14 32 designated by proceeding as provided in the section. To be
14 33 eligible to receive the exemption the person claiming it shall
14 34 have recorded in the office of the county recorder of the
14 35 county in which is located the property designated for the
15 1 exemption, evidence of property ownership by that person or
15 2 the family farm corporation of which the person is a
15 3 shareholder and the military certificate of satisfactory
15 4 service, order transferring to inactive status, reserve,
15 5 retirement, order of separation from service, honorable
15 6 discharge or a copy of any of these documents of the person
15 7 claiming or through whom is claimed the exemption. In the
15 8 case of a person claiming the exemption as a veteran described
15 9 in section 35.1, subsection 2, paragraph "b", subparagraph (6)
15 10 or (7), the person shall file the statement required by
15 11 section 35.2.

15 12 The person shall file with the appropriate assessor on
15 13 forms obtained from the assessor the claim for exemption for
15 14 the year for which the person is first claiming the exemption.
15 15 The claim shall be filed not later than July 1 of the year for
15 16 which the person is claiming the exemption. The claim shall
15 17 set out the fact that the person is a resident of and
15 18 domiciled in the state of Iowa, and a person within the terms
15 19 of section 426A.11, and shall give the volume and page on
15 20 which the certificate of satisfactory service, order of
15 21 separation, retirement, furlough to reserve, inactive status,
15 22 or honorable discharge or certified copy thereof is recorded
15 23 in the office of the county recorder, and may include the
15 24 designation of the property from which the exemption is to be
15 25 made, and shall further state that the claimant is the
15 26 equitable or legal owner of the property designated or if the
15 27 property is owned by a family farm corporation, that the
15 28 person is a shareholder of that corporation and that the
15 29 person occupies the property. In the case of a person
15 30 claiming the exemption as a veteran described in section 35.1,
15 31 subsection 2, paragraph "b", subparagraph (6) or (7), the
15 32 person shall file the statement required by section 35.2.

15 33 Sec. 35. Section 483A.24, subsection 13, Code 2005, is
15 34 amended to read as follows:

15 35 13. Upon payment of the fee of thirty dollars for a
16 1 lifetime hunting and fishing combined license, the department
16 2 shall issue a hunting and fishing combined license to a
16 3 resident of Iowa who ~~is a veteran, as defined in section 35.1,~~
16 4 served in the armed forces of the United States for a minimum
16 5 aggregate of ninety days of active federal service and who was
16 6 disabled or was a prisoner of war during that veteran's
16 7 military service. The department shall prepare an application
16 8 to be used by a person requesting a hunting and fishing
16 9 combined license under this subsection. The ~~commission~~
16 10 department of veterans affairs shall assist the department in
16 11 verifying the status or claims of applicants under this
16 12 subsection. As used in this subsection, "disabled" means
16 13 entitled to compensation under the United States Code, Title
16 14 38, ch. 11.

16 15 Sec. 36. Section 669.2, subsection 4, unnumbered paragraph
16 16 1, Code 2005, is amended to read as follows:

16 17 "Employee of the state" includes any one or more officers,
16 18 agents, or employees of the state or any state agency,
16 19 including members of the general assembly, and persons acting
16 20 on behalf of the state or any state agency in any official
16 21 capacity, temporarily or permanently in the service of the
16 22 state of Iowa, whether with or without compensation, but does
16 23 not include a contractor doing business with the state.
16 24 Professional personnel, including physicians, osteopathic
16 25 physicians and surgeons, osteopathic physicians, optometrists,
16 26 dentists, nurses, physician assistants, and other medical
16 27 personnel, who render services to patients or inmates of state
16 28 institutions under the jurisdiction of the department of human
16 29 services or the Iowa department of corrections, and employees
16 30 of the ~~commission department~~ of veterans affairs, are to be
16 31 considered employees of the state, whether the personnel are
16 32 employed on a full-time basis or render services on a part-
16 33 time basis on a fee schedule or other arrangement. Criminal
16 34 defendants while performing unpaid community service ordered
16 35 by the district court, board of parole, or judicial district
17 1 department of correctional services, or an inmate providing

17 2 services pursuant to a chapter 28E agreement entered into
17 3 pursuant to section 904.703, and persons supervising those
17 4 inmates under and according to the terms of the chapter 28E
17 5 agreement, are to be considered employees of the state.
17 6 Sec. 37. 2003 Iowa Acts, chapter 179, section 21,
17 7 subsections 2 and 5, as enacted by 2005 Iowa Acts, Senate File
17 8 75, section 1, are amended to read as follows:

17 9 2. Of the funds appropriated in this section, \$10,000 is
17 10 transferred to the Iowa department of ~~public health~~ human
17 11 services for allocation to community mental health centers to
17 12 provide counseling services to persons, whether or not
17 13 employed by the state, who are members of the national guard
17 14 or reservists and who are assigned to active duty service in
17 15 the armed forces of the United States and to the persons'
17 16 family members. The sessions shall be provided on a first
17 17 come, first served basis and shall be limited to three visits
17 18 per family.

17 19 5. The remainder of the funds appropriated in this section
17 20 are transferred to the Iowa finance authority to be used for a
17 21 home ownership assistance program for persons who are eligible
17 22 members of the armed forces of the United States. In the
17 23 event an eligible member is deceased, the surviving spouse of
17 24 the eligible member shall be eligible for a loan under the
17 25 program, subject to the surviving spouse meeting the program's
17 26 eligibility requirements other than the military service
17 27 requirement. For the purposes of this subsection, "eligible
17 28 member of the armed forces of the United States" means a
17 29 resident of this state who is or was a member of the national
17 30 guard, reserve, or regular component of the armed forces of
17 31 the United States who has served at least ninety days of
17 32 active duty service during the period beginning September 11,
17 33 2001, and ending June 30, 2006.

17 34 Sec. 38. VETERANS HEPATITIS C AWARENESS PROGRAM REPORT.
17 35 The Iowa department of public health shall submit a report to
18 1 the members of the general assembly by January 1, 2007,
18 2 regarding the development and distribution of the information
18 3 required by the section of this Act enacting section 135.20
18 4 and any resulting impact.

18 5 Sec. 39. STATE FUNDING. The military service tax credits
18 6 and exemptions provided pursuant to this Act shall be funded
18 7 pursuant to chapter 426A and section 25B.7, subsection 2.

18 8 Sec. 40. EFFECTIVE DATE. This Act, being deemed of
18 9 immediate importance, takes effect upon enactment.

18 10 Sec. 41. APPLICABILITY DATES.

18 11 1. The section of this Act amending 2003 Iowa Acts,
18 12 chapter 179, is retroactively applicable to May 17, 2004.

18 13 2. The sections of this Act relating to military service
18 14 tax credits and exemptions apply to military service tax
18 15 credits and exemptions for taxes due and payable for fiscal
18 16 years beginning on or after July 1, 2005.

18 17
18 18
18 19
18 20 _____
18 21 CHRISTOPHER C. RANTS
18 22 Speaker of the House

18 23
18 24 _____
18 25 JOHN P. KIBBIE
18 26 President of the Senate

18 27
18 28 I hereby certify that this bill originated in the House and
18 29 is known as House File 374, Eighty-first General Assembly.

18 30
18 31
18 32 _____
18 33 MARGARET THOMSON
18 34 Chief Clerk of the House

18 35 Approved _____, 2005

19 1
19 2
19 3 _____
19 4 THOMAS J. VILSACK
19 5 Governor